

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LAWRENCE M. MARTIN,

Plaintiff,

V.

KAREN BRUNSON, et al.,

Defendants.

Case No. C07-5664RJB

**ORDER DISMISSING
COMPLAINT WITHOUT
PREJUDICE**

This matter comes before the court on consideration of the Report and Recommendation of the Magistrate Judge. Dkt. 9. The court has considered the relevant documents and the file herein.

On November 19, 2007, plaintiff filed a civil rights complaint and an application to proceed *in forma pauperis*. Dkt. 1. On December 18, 2007, the court received a letter from plaintiff, requesting to know whether, if he voluntarily withdrew his complaint, he would be required to pay the \$350 filing fee. Dkt. 8. On December 26, 2007, before the court issued an order addressing his application to proceed *in forma pauperis*, plaintiff filed a motion to withdraw this civil rights complaint. Dkt. 8. On January 9, 2008, U.S. Magistrate Judge J. Kelley Arnold issued a Report and Recommendation, recommending that the court grant plaintiff's motion to withdraw his complaint. Dkt. 9.

The court should grant plaintiff's motion to voluntarily withdraw the complaint, based upon the reasoning in the Report and Recommendation. Further, because the application to proceed *in forma pauperis* has not been granted, plaintiff is not obligated to pay the filing fee in this matter.

1 Therefore, it is hereby

2 **ORDERED** that the Report and Recommendation of the Magistrate Judge (Dkt. 9), is

3 **ADOPTED**. Plaintiff's request to withdraw his complaint (Dkt. 8) is **GRANTED**, and this case is

4 **DISMISSED WITHOUT PREJUDICE**. Plaintiff is not obligated to pay the filing fee in this matter.

5 The Clerk of the Court is directed to send uncertified copies of this Order to all counsel of record
6 and to any party appearing *pro se* at said party's last known address.

7 DATED this 17th day of January, 2008 .

8 
9 ROBERT J. BRYAN
10 United States District Judge